

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MAURICE ANTIONE HALL, #1621177

VS.

DIRECTOR, TDCJ-CID

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§

CIVIL ACTION NO. 4:20cv52

**MEMORANDUM OPINION AND ORDER**

*Pro se* Petitioner Maurice Antione Hall filed the above-styled and numbered petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 31, 2020, Petitioner filed a notice to voluntarily dismiss the case (Dkt. #19). Voluntary dismissals by a petitioner are governed by Federal Rule of Civil Procedure 41(a)(1)(A) that provides, in pertinent part that the petitioner “may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” “Unless the notice...states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). The notice of dismissal is self-effectuating and terminates the case in and of itself; no order or other action of the district court is required. *In re Amerijet Int’l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015) (per curiam). Thus, once a petitioner has moved to dismiss under Rule 41(a)(1)(A)(i), the case is effectively terminated; the Court has no power or discretion to deny Petitioner’s right to dismiss or to attach any condition or burden to that right. *Williams v. Ezell*, 531 F.2d 1261, 1264 (5th Cir. 1976); *In re Amerijet Int’l, Inc.*, 785 F.3d at 973; *Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) (plaintiff has absolute right to dismiss his complaint under Rule 41(a) prior to the filing of an answer or motion for summary judgment).

In the present case, neither an answer nor a motion for summary judgment has been filed; thus, Petitioner is entitled to the voluntary dismissal of the action without prejudice. Petitioner's case was dismissed the moment the notice (Dkt. #19) was filed with the Clerk. Moreover, after a notice of voluntary dismissal is filed, the district court loses jurisdiction over the case. *In re Amerijet Int'l, Inc.*, 785 F.3d at 973.

Accordingly, it is **ORDERED** Petitioner's notice of dismissal (Dkt. #19) is self-effectuating and terminates the case in and of itself, and the case is **DISMISSED** without prejudice pursuant to Fed. R. Civ. 41(a)(1)(A)(i). All motions by any party not previously ruled upon are **DENIED**.

**SIGNED this 5th day of August, 2020.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE